

FILED
JAN 13 2023
MISS. PUBLIC SERVICE
COMMISSION
'23-UA-06

BEFORE THE MISSISSIPPI PUBLIC SERVICE COMMISSION

WILDWOOD SOLAR, LLC

DOCKET NO.

RE: PETITION OF WILDWOOD SOLAR, LLC, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING THE CONSTRUCTION AND OPERATION OF A SOLAR ELECTRIC GENERATING AND STORAGE FACILITY IN TALLAHATCHIE COUNTY, MISSISSIPPI

PETITION

COMES NOW, Wildwood Solar, LLC (“Petitioner”), by and through its undersigned counsel, and files this petition for a Certificate of Public Convenience and Necessity (“CPCN”) pursuant to Miss. Code Ann. § 77-3-14, for the construction and operation of a 100 megawatt (“MW”) alternating current (“AC”) solar photovoltaic (“PV”) electric generation facility (the “Project”) in Tallahatchie County, Mississippi. In support, Petitioner states:

1. Petitioner is a Delaware limited liability company duly authorized and qualified to do business in the State of Mississippi.
2. Miss. Code Ann. § 77-3-14 provides, among other things, that “no public utility or other person shall begin the construction of any facility for the generation and transmission of electricity to be directly or indirectly used for the furnishing of public utility service in this state ... without first obtaining a certificate of public convenience and necessity from the Commission.”
3. Petitioner is not and does not intend to become a public utility under the laws of the State of Mississippi. Petitioner is, however, an “other person” within the meaning of Miss. Code Ann. § 77-3-14.
4. Petitioner intends to construct, own, and operate the Project in Tallahatchie County, Mississippi. The Project includes a 100 MW AC PV electric generating facility located on approximately 1,000 acres of land leased from landowners that have signed voluntary easement

agreements. The entire electrical output generated by the Project will be sold to Entergy Mississippi, LLC (“Entergy Mississippi”) under a power purchase agreement (“PPA”) with a term of 20 years. The Project was selected as a winning renewable resource via a competitive Request for Proposals for Renewable Resources for the procurement of 500 MW of renewable generation conducted by Entergy Mississippi.

5. Because the Petitioner is not and will not be a public utility in the State of Mississippi, and because its rates are not subject to the jurisdiction of the Commission, the Commission’s jurisdiction over Petitioner and the Project is limited to the issuance of a CPCN for the construction of the Project. All other requirements of Miss. Code Ann. § 77-3-14, such as the requirement to report on the costs of construction, the progress of construction, and any revisions of cost estimates for construction, do not apply to Petitioner. Accordingly, Petitioner respectfully requests waiver of such requirements.

6. The construction of the Project is in the public interest of the State of Mississippi and its residents. During construction of the Project, 100 - 300 construction jobs will be created. To operate and maintain the Project 1 - 3 full-time equivalent jobs will be created. The capital investment in Mississippi necessary to develop and construct the Project is estimated to be approximately \$140,000,000 and the taxable value is expected to result in estimated tax revenue of \$12 million over the life of the project (20 years) to Tallahatchie County and the local school district. The Project will be a reliable source of clean renewable energy for Entergy Mississippi and its customers in the State of Mississippi. The Project will not create any greenhouse gases or other air pollutants or use water resources to generate electricity. As such, generating electricity using clean power provides public health benefits. Additionally, the Project has no fuel costs and is free of any risk of volatility in fuel prices.

8. Petitioner will obtain all applicable environmental permits for the construction and operation of the Project and will make the same available once obtained.

9. As evidenced herein, the public convenience and necessity is served by the construction of the Project. The issuance of a CPCN is in the public interest and is consistent with the relief granted by the Commission with respect to similar petitions for other non-utility solar generating facilities in Mississippi. *See, e.g., In Re: Petition of MS Solar 4, LLC for A Supplemental Certificate of Pub. Convenience & Necessity Authorizing the Constr. & Operation of A Portion of A Solar Elec. Generating Facility in Lamar Cnty., Miss., No. 2022UA23, 2022 WL 2439278 (June 7, 2022); In Re: Petition of Hattiesburg Farm, LLC, for A Certificate of Pub. Convenience & Necessity to Expand Solar Generating Facility in Forrest Cnty., Miss., No. 2022UA28, 2022 WL 16841612 (Oct. 17, 2022).*

10. In accordance with the requirement of Appendix “A,” Schedule 1, of the Commission’s Procedural Rules Petitioner submits and/or requests specific disposition of each of the individual items as follows:

- a. Appendix “A,” Schedule 1, Item 1 – A copy of Petitioner’s Certificate of formation (Delaware) is provided in **Exhibit A**.
- b. Appendix “A,” Schedule 1, Item 2 – A copy of Petitioner’s Certificate of Authority to do business in the State of Mississippi is provided in **Exhibit B**.
- c. Appendix “A,” Schedule 1, Item 4 – The name and address of the sole owner of the membership interests of Petitioner is attached as **Exhibit C**.
- d. Appendix “A,” Schedule 1, Item 6 – Neither Petitioner nor the Project will have a “service area,” because Petitioner will not directly serve retail ratepayers. The

entire electrical output generated by the Project will be sold to Entergy Mississippi under a PPA with a term of 20 years.

- e. Appendix "A," Schedule 1, Item 8 – A general description of the Project is included in the pre-filed direct testimony of Christopher Cothran.
- f. Appendix "A," Schedule 1, Item 13 – At this stage of project development, detailed engineering plans and specifications are currently under development but have not been completed. Petitioner will make available its initial civil design and solar layout drawings when available.
- g. Appendix "A," Schedule 1, Item 14 – Wildwood Solar will obtain all necessary permits applicable to the Project prior to the commencement of construction. Copies of required approvals will be made available once the same have been received. A list of potential permits has been included as Exhibit 2 to the pre-filed direct testimony of Christopher Cothran.
- h. Appendix "A," Schedule 1, Item 15 – A list of the names and addresses of all interested persons, as defined in RP 2.115, is attached as **Exhibit D**, together with a certificate of service with respect to each.
- i. Appendix "A," Schedule 1, Item 16 – The Exhibits attached and pre-filed direct testimony and exhibits of Christopher Cothran will be relied on at hearing.

11. As reflected in prior Commission orders, items 3, 5, 7, 9, 10, 11, 12, and 17 of Appendix "A," Schedule 1, to the Procedural Rules are not applicable, as Petitioner is not a public utility under the laws of the State of Mississippi and does not intend to operate as a public utility in the State of Mississippi. *See, e.g.,* MPSC Docket No. 2014-UA-266, *Petition of HKCR, LLC for Temporary Authorization and a Facilities Certificate to Construct and Operate a Solar Electric*

Generating Facility in Chickasaw County, Miss., Order Granting Facilities Certificate, (Jan. 13, 2015) at 3.

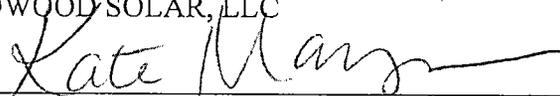
12. Petitioner has provided herewith all the information relevant to its petition, and, therefore, requests a waiver of each and every other filing requirement that may be prescribed by the Commission's Procedural Rules.

WHEREFORE, Petitioner prays that, following a hearing pursuant to the requirements of the Procedural Rules and applicable law, the Commission enter an Order as follows:

1. Finding that Petitioner is not a public utility and the Project is not utility property under the laws of the State of Mississippi;
2. Finding that Petitioner is not subject to the Commission's jurisdiction except for the requirement of obtaining a CPCN as set forth in Miss. Code Ann. § 77-3-14;
3. Finding that, in submitting the Petition, Petitioner has complied with all of the rules and regulations of the Commission concerning the issuance of a CPCN ; and
4. Finding that Petitioner should be and is hereby granted a CPCN for the construction, ownership, and operation of the Project for the generation, transmission, storage, and wholesale sale of electricity in the State of Mississippi.

Respectfully submitted this 13th day of January, 2023.

WILDWOOD SOLAR, LLC

BY: 

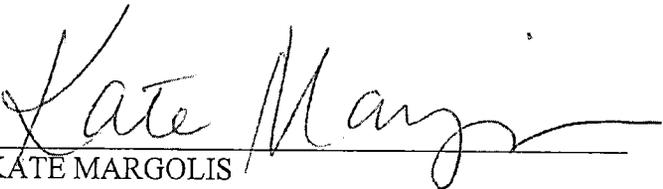
Kate Margolis (MSB# 99625)
BRADLEY ARANT BOULT CUMMINGS LLP
One Jackson Place, Suite 1000
188 E. Capitol Street
Jackson, MS 39201
Phone: (601) 592-9930
E-mail: kmargolis@bradley.com

Attorney for Wildwood Solar, LLC

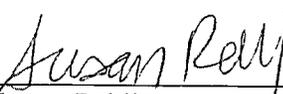
STATE OF MISSISSIPPI

COUNTY OF HINDS

PERSONALLY, appeared before me, the undersigned authority in and for the said County and State, within my jurisdiction, the within named Kate Margolis, who after being duly sworn on oath and acknowledged that he/she is Attorney for Wildwood Solar, LLC and that for and on behalf of the said Wildwood Solar, LLC and as its act and deed, he/she signed and delivered the above and foregoing filing for the purposes mentioned on the day and year therein mentioned, after first having been duly authorized by said Wildwood Solar, LLC so to do, and that the statements contained in the foregoing instrument are true and correct to the best of his/her knowledge, information and belief.


KATE MARGOLIS

SWORN TO AND SUBSCRIBED BEFORE ME, this 13th day of January, 2023.


Notary Public



CERTIFICATE OF SERVICE

I, Kate Margolis, counsel for Wildwood Solar, LLC in the foregoing filing on even date herewith do hereby certify that in compliance with Rule 6.112 of the Mississippi Public Service Commission's Public Utilities Rule of Practice and Procedure:

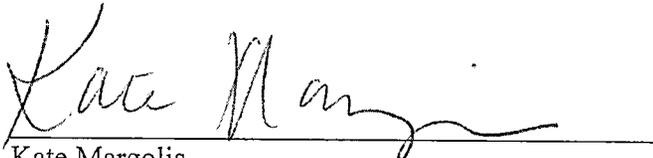
1. An electronic copy of the filing has been filed with the Commission via e-mail to the following address:

efile.psc@psc.ms.gov

2. Wildwood Solar, LLC has served via U.S. Mail, postage prepaid, a copy of the filing upon each "interested person" as defined in Rule 2.115 and as listed in Exhibit "D" to this filing.

3. Wildwood Solar, LLC has complied with or requested a waiver of all other requirements of this Commission's Rules.

This the 13th day of January, 2022.


Kate Margolis